



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LOCAL 2715 AMERICAN FEDERATION, STATE, COUNTY :
AND MUNICIPAL EMPLOYEES, AFL-CIO :

Complainant :

and :

HILLSBOROUGH COUNTY COMMISSIONERS :

Respondent :

CASE NO. A-0428:7

DECISION NO. 82-35

Representing the Complainant, Local 2715 AFSCME

James C. Anderson, Executive Director, Council 68
James Gray, President, Local 2715
Harry Anagnos

Representing the Respondent, Hillsborough County Commissioners

David Horan, Esquire, Asst. County Attorney
Richard W. Roulx, Business Manager
Nelson MacAskill, County Corrections Administrator
James O'Flynn, Sheriff
Patricia C. Roody, Asst. Administrator- Nursing Home

BACKGROUND

This matter came on for hearing before the Board on May 6, 1982, on the unfair labor practice charge of Local 2715, concerning an employment benefit survey conducted by the County. The County denies the charge.

The facts central to resolution of this matter are largely undisputed. On or about November 18, 1981, the County distributed to all County employees, both Union and non-Union, an employment benefit survey. The purpose of the survey was to determine the relative priority assigned to each benefit by the employees as a whole, presumably to give the County some guidance in the allocation of limited resources available for wages and benefits.

Although no allegation of bad faith conduct is made, Local 2715 argues that communication in this manner with the employees it represents violates its rights as their collective bargaining agent. We agree.

As we stated recently in District 1199 New England Health Care Employees Union v. Strafford County (Riverside Rest Home), Decision 81-34 (September 24, 1981):

"It is undisputed that District 1199 has been recognized as the exclusive bargaining agent for the unit of employees at the Riverside Rest Home. As such certain rights accompany this certification. One such right is to represent the bargaining unit exclusively. RSA 273-A:11(I) (b). This exclusivity granted to the representative imposes a duty on the employer to restrict its activity concerning changes in the terms and conditions of employment to communications with the representative. Any direct communication with the employees outside of the normal channels of negotiation with the representative should and must be avoided."

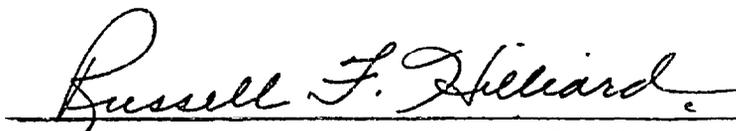
This rationale applies equally here. Although no changes in the terms and conditions of employment were suggested by the survey, the only purpose was to communicate regarding matters which are clearly the subject of negotiation.

#### FINDINGS AND ORDER

Accordingly, the Board finds the County guilty of an unfair labor practice for violation of RSA 273-A:5(I) (g) for failing to comply with the rights accompanying certification which have possessed by Local 2715. Further, the Board finds that this violation was not intentional and did not arise out of any bad faith on the part of the County or its representative.

The County is ordered to post a notice in a conspicuous place in all work areas covered by the Local 2715 bargaining unit indicating in substance, the following:

Local 2715 is the exclusive representative for the bargaining unit of employees of Hillsborough County. As such, it is the exclusive channel through which all information and negotiation concerning proposals to change terms and conditions of employment must go. Any communications from the County directly to employees is a violation of that right, and as such, a violation of New Hampshire law. It is important to the integrity of public employee labor relations that the employer respect those rights and it is the intention of the County and its representative to do so.



Russell F. Hilliard, Esquire

Signed this 3rd day of June, 1982.

Chairman Robert E. Craig, presiding. By unanimous vote of Members Hilliard, Mayhew, Osman. Also present, Evelyn C. LeBrun, Executive Director.